

Patent Division

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 205 JUL 11 PM 1:21

In re Application of:

Francisco M. LOPEZ TORRES et al

Conf. No.: 0000

Appln. No.: 10/534,884

Group Art Unit: 0000

Filed: May 13, 2005

Examiner: Unassigned

For: OPTICAL SPECTRUM ANALYZING DEVICE  
BY MEANS OF BRILLOUIN SCATTERING AND  
ASSOCIATED MEASUREMENT PROCESS

REQUEST FOR REFUND

MAIL STOP 16

Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request a refund in the amount of \$755.00.

Specifically, on May 13, 2005, Applicants filed a National Stage Entry application, along with the required government filing fee (in the amount of \$1510.00 for large entity status), as evidenced by the Letter to Commissioner and reconciled check no. 271504 (a copy of each of which, along with the date-stamped mailroom receipt therefor, is attached).

Applicants are hereby claiming small entity status and submitting herewith a copy of the executed Small Entity Status Declaration which entitles Applicants to a 50% reduction of government filing fees.

Adjustment date: 08/22/2005 RWHITE1  
05/18/2005 GFREY1 00000022 10534884  
01 FC:1631 -300.00 OP  
02 FC:1642 -400.00 OP  
03 FC:1633 -200.00 OP  
04 FC:1615 -250.00 OP  
05 FC:1616 -360.00 OP

06/22/2005 RWHITE1 00000003 10534884

01 FC:2631 150.00 OP  
02 FC:2642 200.00 OP  
03 FC:2633 100.00 OP  
04 FC:2615 125.00 OP  
05 FC:2616 150.00 OP

**REQUEST FOR REFUND**

**U.S. Appln. No. 10/534,884**

Therefore, Applicants respectfully requests a refund in the amount of **\$755.00** to be credited to Deposit Account No. 19-4880.

A duplicate copy of this paper is attached.

Respectfully submitted,

**SUGHRUE MION, PLLC**

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

  
Gordon Kit

Registration No. 30,764

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 8, 2005

Repln. Ref: 08/22/2005 RWHITE1 0010534400  
DAH:194880 Name/Number:10534884  
FC: 9204 \$755.00 CR



NS Entry of PCT/ES2002/00392

REQUEST FOR EARLY NOTIFICATION OF SERIAL NUMBER

Inventors: Francisco M. LOPEZ TORRES et al

Title: OPTICAL SPECTRUM ANALYZING DEVICE...

Atty Doc#: Q-87071 Client: GARRIGUES AGENCIA DE PROPIEDAD...

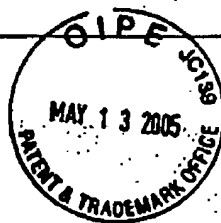
Filing Date: 05/13/05 # Pgs.: 19/1 #Claims: 25 IPER: yes

# Dwgs: 2 Decl yes Pre Amdt yes IDS: yes Asgmt: yes

ISR: yes Pr Doc: no Fee: \$1510.00/\$40.00

☒ Checks Attached/Check Nos. 271524 and 271525 Atty: OK/vf

SERIAL NO.: \_\_\_\_\_



12



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May 13, 2005

**MAIL STOP PCT**

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

PCT/ES2003/000392 - filed  
July 25, 2003

Re: Application of **Francisco M. LOPEZ TORRES,**  
**Carlos HERAS VILA, Pilar BLASCO HERRANZ,**  
**Juan Ignacio GARCES GREGORIO,**  
**Rafael ALONSO ESTEBAN, Francisco VILLUENDAS YUSTE,**  
**Jesús SUBIAS DOMINGO and**  
**Francisco Javier PELAYO ZUECO** entitled  
**"OPTICAL SPECTRUM ANALYZING DEVICE BY MEANS OF**  
**BRILLOUIN SCATTERING AND ASSOCIATED MEASUREMENT**  
**PROCESS"**  
Assignee: **Fibercom S.L.**  
Our Ref: **Q-87071**

Dear Sir:

The following documents and fees are submitted herewith in connection with the above application for the purpose of entering the National Stage under 35 U.S.C. §371 and in accordance with the Patent Cooperation Treaty:

- ☒ a copy of the executed Declaration and Power of Attorney.
- ☒ the International Application (along with an English translation thereof).
- ☒ 2 sheets of drawings.
- ☐ an English translation of Article 19 claim amendments.
- ☒ the Spanish language International Preliminary Examination (along with Article 34 amendments (if applicable)). An English translation thereof will follow shortly.
- ☒ FORM PTO-1595 (along with a copy of the executed Assignment).
- ☒ an Information Disclosure Statement (along with the International Search Report, FORM PTO/SB/08 A & B (modified) and 2 references).
- ☒ a Preliminary Amendment.
- ☒ it is expressly requested that the national



SUGHRUE MION, PLLC

Commissioner for Patents

May 13, 2005

Page 2

Priority is claimed from:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>
SPAIN	P200202617	November 14, 2002

It is assumed that a copy of the International Application, International Search Report (along with a copy of each cited references) and the International Preliminary Examination Report (with Articles 19 and/or 34 as required by §371(c)) will be supplied directly by the International Bureau. However, for the Examiner's convenience, a copy of each of which is provided herewith.

The Government filing fee is calculated as follows:

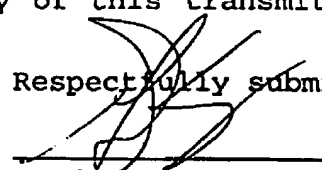
Total claims	<u>25</u> - <u>20</u> = <u>5</u>	x	\$50.00	=	<u>\$250.00</u>
Independent claims	<u>2</u> - <u>3</u> = <u>   </u>	x	\$200.00	=	<u>\$0.00</u>
Base Fee					<u>\$300.00</u>
Search Fee*					<u>\$400.00</u>
Examination Fee*					<u>\$200.00</u>
Multiple Dependent Claim Fee					<u>\$360.00</u>
<b>TOTAL FILING FEE</b>					<u><b>\$1510.00</b></u>
<b>Recordation of Assignment</b>					<u><b>\$40.00</b></u>
<b>TOTAL FEE</b>					<u><b>\$1550.00</b></u>

- \* The international search fee for all claims was not paid to the U.S. Patent and Trademark Office, as the International Search Authority, but the International Search Report is being submitted herewith.

A check for the statutory filing fee, in the amount of \$1,510.00, and a check for the recordation of Assignment fee in the amount of \$40.00, are submitted herewith.

The U.S. Patent and Trademark Office is hereby directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Respectfully submitted,

  
Gordon Kit  
Registration No. 30,764

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER



**Sughrue**

SUGHRUE MION, PLLC

2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20037-3213

DATE
04/27/05

65-270  
550

271504

**SUNTRUST**  
SunTrust Bank

**\*\*ONE THOUSAND FIVE HUNDRED TEN AND 00/100 DOLLARS\*\***

PAY TO THE ORDER OF

DIRECTOR OF THE U.S. PATENT  
AND TRADEMARK OFFICE

AMOUNT
*\$1,510.00*

*Cyndie C. Walker*

⑈271504⑈ ⑆055002707⑆ 206548885⑈

⑈0000151000⑈

SUNTRUST R/C 05202005

6036-001 INCL

5200343788

PATENT AND TRADEMARK OFFICE  
13-10-0001  
05-18-2005  
FOR CREDIT TO THE  
U.S. TREASURY

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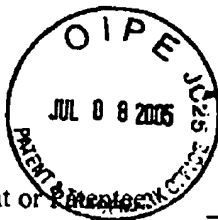
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**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7/8/05</u>		2 Serial/Patent # <u>10/534884</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input checked="" type="checkbox"/>	Filing <i>Changing entity</i>			\$ <u>755</u>
<input type="checkbox"/>	Amendment			\$
<input type="checkbox"/>	Extension of Time			\$
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input type="checkbox"/>	Petition			\$
<input type="checkbox"/>	Issue			\$
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$
<input type="checkbox"/>	Maintenance			\$
<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ <u>755</u>
		8 TO BE REFUNDED BY:		
9 REASON:		Treasury Check		
<input checked="" type="checkbox"/>	Overpayment	Credit Deposit A/C #:		
<input type="checkbox"/>	Duplicate Payment	9 <span style="border: 1px solid black; padding: 2px;">19</span> -- <span style="border: 1px solid black; padding: 2px;">48</span> <span style="border: 1px solid black; padding: 2px;">810</span>		
<input type="checkbox"/>	No Fee Due (Explanation):			
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>Rita White</u>		TITLE: <u>Legal Assistant Examiner</u>		
SIGNATURE: <u>Rita White</u>		PHONE: <u>7/308-9140-ext 23</u>		
OFFICE: <u>DO/EO</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: _____		DATE: _____		

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:*



Applicant or Patentee FIBERCOM S.L. Attorney's  
Application or Patent No. 10/534,884 Docket No.: \_\_\_\_\_  
Confirmation No. \_\_\_\_\_  
Filed or Issued: \_\_\_\_\_  
For: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27 (c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN FIBERCOM S.L.  
ADDRESS OF CONCERN C/ PRADO 5-LOCAL ; E-50009 ZARAGOZA ; SPAIN

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled \_\_\_\_\_ by inventor \_\_\_\_\_ described in

- ☐ the specification filed herewith  
☒ Application No. 10/534,884  
☐ Patent No. \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

- ☐ INDIVIDUAL      ☐ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION



I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON

SIGNING

FRANCISCO MANUEL LÓPEZ TORRES

TITLE IN ORGANIZATION

CONSEJERO DELEGADO (MANAGING DIRECTOR)

ADDRESS OF PERSON

Pº FERNANDO EL CATÓLICO, 65, ESCALERA CENTRO, 4º-A

SIGNING

50006 ZARAGOZA

 **Fibercom. S.L.**

C.I.F. B-5442107

C/ Prado, 5, Local - 50009 ZARAGOZA

Signature

Date

27 / 06 / 2005